IMT Nuremberg Archives

H – 3339

International Court of Justice

H3339 - 0002

OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date : 22 July 1948

I certify that Document Number 3442-PS was introduced into evidence as Exhibit Number USA-752 in the Trial by the International Military Tribunal of Hermann GOERING, et al, which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

Fred NIEBERGALL
Chief, Document
Control Branch.

H3339 - 0003

C E R T I F I C A T E

I hereby certify that the annexed document 2442-PS No. USA - 452 is a photostat of an original document submitted in evidence by the United States Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the National Archives, Washington D.C. .

Nuremberg, 4 July 1948

Paul Joosten

PAUL A. JOOSTEN

General Secretary
International Military
Tribunal

H3339 - 0004

Doc. No. 2472-PS

Unmittelbar nach der Machtergreifung hielt sich Hitler noch einige Monate an das Prinzip der Legalitaet. Auch die SA, die Kampftruppe der NSDAP, hielt in dieser Zeitspanne strenge Disziplin, zumal die Kommunisten Zusammenstoessen aus dem Wege ging. Nach dem Reichstagsbrand und nachdem der neugewaehlte Reichstag durch das Ermaechtigungsgesetz Hitler die alleinige vollziehende Gewalt uebertragen hatten, legte sich die SA keine Beschraenkungen mehr auf.

Im Zusammenhang mit dem Verbot der Parteien insbesondere der kommunistischen Partei hatte Hitler den Befehl zur Festnahme der fuehrenden Kommunisten gegeben. Diesen Kommunisten sollte der Prozess wegen Hochverrats gemacht werden. Die Polizei kam aber nicht dazu, diese Festnahmen durchzufuehren, denn die SA war im ganzen Lande der Polizei zuvorgekommen. Sie setzte nicht nur diese Kommunisten fest, sondern sie schleppte auch weit ueber diesen Kreis hinaus Angehoerige der Solzialdemokartischen, Demokratischen und Zentrumspartei in die Gefaengnisse. Auch Tausende von harmlosen Kommunisten wurden verhaftet. Als die Polizei die Arrestierten nach kurzen Vernehmungen wi eder entliess, ging die SA dazu ueber, eigene Gefaengnisse und Konzentrationslager einzurichten. Als die Polizei gegen diese Gewahrsame der SA vorging und sie in vielen Faellen gewaltsam oeffnete, wurden

H3339 – 0005

247265

die Entlassenen von der SA wieder ihrer Freiheit beraubt und in vielen Faellen vor der Polizei versteckt. Es entstanden damals die "Heldenkeller", die geheimen Kellergefaengnisse der SA. Die Gefangenen wurden in vielen Faellen durch Pruegel misshandelt, getoetet wurden wenige. Das Verhalten der SA zwang die Polizei dazu, in vielen Faellen Personen in Schutzhaft zu nehmen. Es war dies kein Vorwand fuer eine wilkuerliche Freiheitsberaubung. Sondern in der grossen Menge der Faelle diente diese Massnahme zum persoenlichen Schutz der Betroffenen gegen Ausschreitungen der SA. Die SA-Fuehrer waren in diesen revolutionaeren Monaten maechtiger als die Gauleiter. Sie versagten auch Goering, der Ordnung zu schaffen versuchte und als Fuehrer der Polizei gegen Ausschreitung und Misshandlung vorging, den Gehorsam. Fuer die willkuerliche ~~Behandlung~~ Verhaftung des Jahres 1933 trifft die Verantwortung die SA-Fuehrer, die ihre SA-Maenner zu diesen Handlungen verleiteten.

Die willkuerlichen Verhaftungen durch die SA verminderten sich der Zahl nach gegen Ende des Jahres 1933, weil sich die Polizei staerker durchsetzen konnte und weil die SA selbst viele Kommunisten, Sozialdemokraten und Demokraten in ihre Reihen aufgenommen hatte. < >

Im Laufe des Jahres 1933 hatte die politische Polizei

H3339 - 0006

2472125

mehr zu tun mit den Ausschreitungen der SA als mit der Bekaempfung der Kommunisten. Ich kann zahlreiche Personen benennen, die als Mitglieder der damaligen politischen Polizei dieses bezeugen koennen. Wegen ihrer Widerstaende gegen die SA sind diese Personen aus ihren Aemtern entlassen worden, als Heydrich und Himmler die Preussische Polizei uebernommen hatten.

Die politische Polizei Preussens legte im Januar 1934 Hitler eine Denkschrift ueber die Ausschreitungen der SA im Jahre 1933 vor mit dem Antrage, den darin genannten SA-Fuehrern den Prozess zu machen. Das tut Hitler nicht, sondern er beauftragte den von Goering eingesetzten Chef der Polizei Himmler, diese SA-Fuehrer ohne rechtliches Verfahren zu toeten. Das geschah am 30. Juni 1934.

Weil durch das Vorgehen der SA viele Personen willkuerlich in Gefaengnisse und Konzentrationslager gekommen waren, draengte die damalige preussische politische Polizei, die noch keinen nationalsozialistischen Einschlag hatte, und mit der SS nichts zu tun hatte, auf Massenentlassungen. Nach laengeren Verhandlungen entschloss sich Hitler im Dezember 1933, eine Amnestie fuer solche Personen zu erlassen, die nicht wegen Hochverrat verfolgt werden konnten. Von rund 30 000 Personen wurden rund 25 000 ent-

3) R. Diels

lassen. Von etwa 30 Konzentrationslagern blieben, soweit ich mich erinnere, 2 bestehen (Oranienburg und Papenburg).

H3339 - 0007

2472PS
5

Before me, the undersigned authority, on this 31st day of October 1945, personally appeared RUDOLF DIELS known to me, who on oath stated that he had written and carefully read the foregoing four pages signed by him and that the matters and facts therein stated are true and correct.

Robert G. Stephens, Jr.

ROBERT G. STEPHENS, JR.
Major, Infantry
U. S. Army
Office of U.S. Chiefof Counsel
Nuremberg, Germany

H3339 -0008

2472-PS
USA-752

H3339 - 0009

TRANSLATION OF Doc. No. 2472-PS
OFFICE OF U. S. CHIEF OF COUNSEL

AFFIDAVIT: RUDOLF DIELS

Immediately after the seizure of power, for several months Hitler stuck to the principle of legality. Also the SA, the fighting troop of the NSDAP, retained strict discipline in this span of time, although collisions with the Communists were a thing of the past. After the Reichstag fire and after the newly elected Reichstag had handed over the sole and complete power to Hitler in the enabling act, the SA no longer recognized any limitations.

In conjunction with the prohibition of parties, especially of the Communist Party, Hitler gave the command for the arrest of leading Communists; cases should be made against these Communists for high treason. The police, however, did not succeed in carrying out these arrests, for the SA in the whole country had gotten ahead of the police. It not only arrested these Communists but also, far and beyond this circle, dragged members of the Social Democratic, the Democratic and Central Parties into prison. Also thousands of harmless Communists were arrested. When the police dismissed those arrested after a short interrogation, the SA went so far as to erect their own prisons and concentration camps. When the police proceeded against these arrests of the SA and lifted them by force in many cases, those who were let out were again robbed of their liberty by the SA and in many cases were hidden from the police. At this time there originated the "Heldenkeller", the secret dungeons of the SA. The prisoners were mistreated in many cases by whippings, a few were killed. The conduct of the SA forced the police in many cases to take the persons into protective custody (Schutzhaft). In doing this there was no pretense of an arbitrary deprivation of liberty. But in the greatest quantity of the cases these measures served as a personal protection for the person aggrieved against the excesses of the SA. During these revolutionary months the SA leaders were more powerful than the Gau leaders. They also refused obedience to Goering who attempted to create order and as leader of the police proceeded against excesses and mistreatments. For the arbitrary arrests of the year 1933 the SA Fuehrers, who misled their SA men into this business, are responsible.

The arbitrary arrests by the SA lessened in number toward the end of the year 1933 because the police were able to carry on more strongly and because the SA itself had admitted many Communists, Social Democrats, and Democrats into its ranks.

In the course of the year 1933 the political police had more to do with the excesses of the SA than with the fighting of Communists. I can name numerous persons who as members of the political police at that time can testify to this. Because of their opposition to the SA, these persons were discharged from their offices when Heydrich and Himmler took over the Prussian police.

The political police of Prussia in January 1934 laid before Hitler a memorandum about the excesses of the SA in the year 1933 with the proposal that a case be made against the SA Fuehrers named therein. Hitler did not do that but charged Himmler, who had been employed as chief of the police by Goering, to kill these SA Fuehrers without legal procedure. That occurred on the 30th of June 1934.

H3339 - 0010

Because many people had been arbitrarily placed in prisons and concentration camps by the past acts of the SA, the Prussian political police at that time, which still had no national socialist garb and nothing to do with the SS, urged mass discharges. After long negotiations Hitler decided in December 1933 to decree an amnesty for such persons who could not be prosecuted for high treason. From about 30,000 persons around 25,000 were discharged. From about 30 concentration camps, so far as I remember, 2 remained - (Oranienburg und Papenburg).

(signed) R. DIELS

Before me, the undersigned authority, on this 31st day of October, 1945, personally appeared RUDOLF DIELS known to me, who on oath stated that he had written and carefully read the foregoing four pages signed by him and that the matters and facts therein stated are true and correct.

(signed) Robert G. Stephens, Jr.
ROBERT G. STEPHENS, JR.
Major, Infantry
U. S. Army
Office of U.S. Chief of Counsel
Nurnberg, Germany
RGS Jr.

- - - - - - - - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2472-PS

3 November 1945

I, WILLIAM G. REITZER, 2nd Lt., FA, O-1185952, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 2472-PS.

WILLIAM G. REITZER
2nd Lt., FA
O-1185952

H-3339

EXHIBIT U.S.A. 752 (2472-PS)

Filed Jun 28, 1946
[illegible]
Secretary

EXHIBIT U.S.A.

752

(2472-PS)

A 096178

H3339 – 0011

H3339-0012

5 pages

EXHIBIT U.S.A. 752 (2472-PS)

H3339-0013

397